

Declaration for Patent Application

Docket Number: 2376.0010000/SRL/TAC

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name.

I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **Compositions for the Inhibition of Protein Kinase C Alpha for Treatment of Diabetes Mellitus and Cardiovascular Diseases**, the specification of which is attached hereto unless the following box is checked:

was filed on September 23, 2003 ✓
as United States Application Number or PCT International Application Number PCT/DE2003/003165; and
was amended on _____ (if applicable). PCT/DE2003/03165 ✓

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications(s):	Priority Claimed		
<u>102 44 453.6</u> (Application No.)	<u>Germany</u> (Country)	<u>24 September 2002</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Send Correspondence to:
Customer No. 26111
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934

Direct Telephone Calls to: (202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

BEST AVAILABLE COPY

Rec'd PCT/PTO 14 JUN 2005

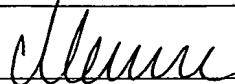
Appl No. U.S. Nat'l Phase of PCT/DE2003/003165
Docket No. 2376.0010000/SRL/TAC

10/528806

1-00 Full name of first Inventor:

Jan MENNE

Signature of first Inventor:



Date:

1.6.2005

Residence:

Hannover, Germany DEX

Citizenship:

Germany ✓

Mailing Address:

Modersohnweg 1a
30173 Hannover, Germany

2-00 Full name of second Inventor:

Hermann HALLER

Signature of second Inventor:



Date:

30.5.2005

Residence:

Hannover, Germany DEX

Citizenship:

Germany ✓

Mailing Address:

An der Trift 8d
30559 Hannover, Germany

378888-1

Rec'd PCT/PTO 14 JUN 2005
USA

10/528806

POWER OF ATTORNEY FROM ASSIGNEE WITH DELEGATION

Phenos GmbH, a corporation of Germany, having a principal place of business at Feodor-Lynen-Str. 5, 30625 Hannover, GERMANY, is assignee of the entire right, title, and interest for the United States of America (as defined in 35 U.S.C. §100), by reason of an Assignment to the Assignee executed on 1) 14/01/2003 2) 20/5/05 of an invention known as **Compositions for the Inhibition of Protein Kinase C Alpha for Treatment of Diabetes Mellitus and Cardiovascular Diseases** (Attorney Docket No. 2376.0010000/SRL/TAC), that is disclosed and claimed in a patent application of the same title by the inventors Jan MENNE and Hermann HALLER (said application filed at the U.S. Patent and Trademark Office as U.S. Nat'l Phase of PCT/DE2003/003165, international filing date September 23, 2003).

For the purpose of PAIR, the Customer Number is **26111**.

The Assignee hereby appoints the patent attorneys and agents associated with **CUSTOMER NUMBER 26111** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith. The Assignee hereby grants said patent attorneys and agents associated with Customer Number 26111 the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

The Assignee hereby authorizes the patent attorneys and agents to accept and follow instructions from von Kreisler Seling Werner as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the patent attorneys and agents and the Assignee. In the event of a change in the persons from whom instructions may be taken, the patent attorneys and agents named herein will be so notified by the Assignee.

Send correspondence to:

Customer Number 26111
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
U.S.A.

Direct phone calls to 202-371-2600.

FOR: Phenos GmbH *Jan Menne*
SIGNATURE: *Jan Menne*
BY: (Doctor) Jan Menne
TITLE: Doctor General Manager
DATE: 1.6.2005

Réc'd PCT/PTO 14 JUN 2005

10/528806

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MENNE *et al.*

Appln. No.: *To be assigned* (U.S. Nat'l Phase of PCT/DE2003/003165)

Filed: (I.A. Filing Date: September 23, 2005)

For: **Compositions for the Inhibition of Protein Kinase C Alpha for Treatment of Diabetes Mellitus and Cardiovascular Diseases (As Amended)**

Confirmation No.: *To be assigned*

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 2376.0010000/SRL/TAC

**Assertion of Small Entity Status under 37 C.F.R. § 1.27(c)
and
Request for Refund under 37 C.F.R. § 1.28(a)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This application is entitled to small entity status and the same is respectfully asserted.

It is requested that \$500.00 be credited to our Deposit Account No. 19-0036. On March 23, 2005, the following large entity fees were paid: \$300.00 for basic national fee; \$200.00 for examination fee; and \$500.00 for search fee. As a result of the above assertion of small entity status being made within three months of payment of these fees,

it is believed that credit for one-half of that amount, or \$500.00 is proper.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Teresa A. Colella
Agent for Applicants
Registration No. 51,575

Date: June 14, 2005

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

409041_1.DOC

Rec'd PCT/PTO 14 JUN 2005 38 US
USA

106528806

PTO/SB/96 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

2376.0010000/SRL/TAC

Applicant/Patent Owner: Jan MENNE, and Hermann HALLER

Application No./Patent No.: PCT/DE2003/003165 Filed/Issue Date: I.A. Filing Date: September 23, 2003

Entitled: Compositions for the Inhibition Of Protein Kinase C Alpha For Treatment Of Diabetes Mellitus And Cardiovascular Diseases

Phenos GmbH

a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Jan Menne

1.6.2005

Signature
Jan Menne

Date
0049(511)

Printed or Typed Name

Telephone Number

D. Doctor General Manager

6006040

Title

Jan Menne
1.6.05

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY

FOR RECORD. NOT FOR
ASSIGNMENT BRANCH - See 2nd Page)

**DO NOT FORWARD
TO ASSIGNMENT BRANCH
NOT FOR RECORDATION**

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: **Jan MENNE and Hermann HALLER**, hereby sell and assign to **Phenos GmbH**, a corporation formed under the laws of Germany, whose mailing address is Feodor-Lynen-Str. 5, 30625 Hannover, GERMANY (hereafter referred to as the Assignee), their entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages, for the United States of America (as defined in 35 U.S.C. § 100) and throughout the world,

- (a) in the invention(s) known as **Compositions for the Inhibition of Protein Kinase C Alpha for Treatment of Diabetes Mellitus and Cardiovascular Diseases** for which application(s) for patent in the United States of America was filed on March 23, 2005 (also known as United States Application No. *To be assigned*, which is the U.S. national phase of PCT/DE2003/003165, international filing date September 23, 2003), in any and all applications thereon, in any and all Letters Patent(s) therefor, and
- (b) in any and all applications that claim the benefit of the patent application listed above in part (a), including non-provisional applications, continuing (continuation, divisional, or continuation-in-part) applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and
- (c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventors agree to execute all papers necessary in connection with the application(s) and any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

The undersigned inventors agree to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventors hereby represent that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventors hereby grant Robert Greene Sterne, Esq., Registration No. 28,912; Edward J. Kessler, Esq., Registration No. 25,688; Jorge A. Goldstein, Esq., Registration No. 29,021; David K.S. Cornwell, Esq., Registration No. 31,944; Robert W. Esmond, Esq., Registration No. 32,893; Tracy-Gene G. Durkin, Esq., Registration No. 32,831; Michele A. Cimbala, Esq., Registration No. 33,851; Michael B. Ray, Esq., Registration No. 33,997; Robert E. Sokohl, Esq., Registration No. 36,013; Eric K. Steffe, Esq., Registration No. 36,688; Michael Q. Lee, Esq., Registration No. 35,239; Steven R. Ludwig, Esq., Registration No. 36,203; John M. Covert, Esq., Registration No. 38,759; Linda E. Alcorn, Esq., Registration No. 39,588; Lawrence B. Bugaisky, Esq., Registration No. 35,086; Donald J. Featherstone, Esq., Registration No. 33,876; Robert C. Millonig, Esq., Registration No. 34,395; Michael V. Messinger, Esq., Registration No. 37,575; Judith U. Kim, Esq., Registration No. 40,679; Timothy J. Shea, Jr., Esq., Registration No. 41,306; Patrick E. Garrett, Esq., Registration No. 39,987; Jeffrey Helvey, Registration No. 44,757; Heidi L. Kraus, Registration No. 43,730; Eldora Ellison, Registration No. 39,967; Thomas C. Fiala, Registration No. 43,610; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

DO NOT FORWARD
TO ASSIGNMENT BRANCH
NOT FOR RECORDATION

IN WITNESS WHEREOF, executed by the undersigned inventors on the date opposite his/her name.

Date: 1.6.2005

Signature of Inventor: Jan Menne
Jan MENNE

Date: 30.5.2005

Signature of Inventor: Herr
Hermann HALLER

Witnessed before me:

Signature: Astrid Loos

Print Name: ASTRID LOOS

Address: IM OTHFELDE 97A
30165 HANNOVER

Signature: Fräulein Henzen

Print Name: HENRIETTE HOUZEN

Address: DÖBBECKESTR. 5
30419 HANNOVER

SIGNED on behalf of the said ASSIGNEE,

PHENOS GMBH

By: Menne
Name: Jan Menne
Title: General Manager
Date: 1.6.2005

Witnessed before me:

Signature: Astrid Loos

Print Name: ASTRID LOOS

Address: IM OTHFELDE 97A
30165 HANNOVER

Signature: Fräulein Henzen

Print Name: HENRIETTE HOUZEN

Address: DÖBBECKESTR. 5
30419 HANNOVER

378878-1